

Zhijiang Wang, et al.  
Application No.: 09/824,188  
Page 3

PATENT

REMARKS

This Amendment is responsive to the Office Action of the examiner  
mailed October 23, 2002.

---

**Claim Objections 35 USC 112, second paragraph**

The examiner has objected to the limitation "said diode laser pumping source" at claim 2, line 7. This claim has been redrafted to eliminate this terminology and to supply generally throughout the claim consistent antecedent language. Should the Examiner have further suggestions, they will be liberally entertained by Applicant.

Claim 1 stands amended to more specifically set forth the improvement pictured in Figs. 11A and 11B of the application. Claim 2 has been amended to more specifically set forth the device claimed and to set forth that it is not restricted to the improvement of claim 1.

**Claim Rejections - 35 USC 102**

All pending claims have been rejected as being anticipated by Wang et al. United States Patent 6,101,199. Applicant hereby requests that this reference be withdrawn.

The cited Wang et al. Patent 6,101,199 lists as inventors Zhijiang Wang, Alice Z. Gheen, and Ying Wang. This patent issued August 8, 2000.

The instant application was filed on April 4, 2001 and lists as inventors Zhijiang Wang, Ying Wang, and Alice Gheen. In other words, all work in the cited United States Patent 6,101,199 is by the same inventors.

The Examiner's attention is invited to In re Fout, Mishkin and Roychoudhury, 213 USPQ 532 (Court of Customs and Patent Appeals; 1982) where the general rule is set forth at footnote 2 appearing at p. 535:

... Absent a statutory bar under 35 USC 102(b), (c), or (d), an applicants own invention cannot be "prior art" to him. However, applications having the same inventor and claiming the

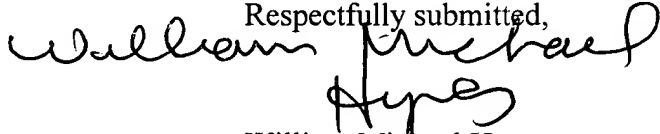
same invention are subject to rejections for double patenting.

Applicant respectfully requests that the rejection be withdrawn.

**Conclusion**

Applicant respectfully requests that the Application be passed to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William Michael Hynes". The signature is fluid and cursive, with the first name "William" and last name "Hynes" being clearly legible.

William Michael Hynes  
Reg. No. 24,168

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
WMH:fcr:meg  
SF 1423607 v1

---

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

1.     (Once Amended)     ~~[An]~~In an optical fiber  
[comprising]including:  
        a core doped with active species,  
        an inner cladding surrounding the core,  
        an outer cladding surrounding the inner cladding,  
        wherein the cross-sectional shape of said inner cladding is an asymmetric  
and symmetry-broken polygon that destabilizes local modes of light beams within said  
inner cladding, ~~[and]~~  
        the improvement comprising:  
        ~~[wherein]~~at least one boundary of the boundaries forming said symmetry-  
broken-polygon-shape-is-an-arc.

2.     (Once Amended)     An article for gain applications comprising  
at least one laser diode array[;] for outputting a beam;  
a double cladding laser fiber with its core doped with active species, said  
double cladding laser fiber ~~[has]~~having an aperture, an inner cladding, and an outer  
cladding[;];  
        a coupling optical system[;]~~[wherein said coupling optical system is]~~  
disposed between said laser diode array and the aperture of said ~~[fiber and focuses]~~double  
cladding laser fiber, the coupling optical system being disposed to focus the beam from  
said laser diode [laser pumping source]array for outputting a beam into the inner cladding  
of said double cladding laser fiber[;]; and,  
        ~~[wherein]~~the cross-sectional shape of said inner cladding is an  
asymmetric and symmetry-broken polygon that destabilizes local modes of light beams  
within said inner cladding.